

EXHIBIT 5

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CHRISTINA BIFULCO, FRANCIS BUTRY, and
CORI FRAUENHOFER, individually and on
behalf of all others similarly situated,
Plaintiffs,

v.

NATIONAL COLLEGIATE STUDENT LOAN
TRUST 2004-2; NATIONAL COLLEGIATE
STUDENT LOAN TRUST 2006-4;
TRANSWORLD SYSTEMS, INC., in its own
right and as successor to NCO FINANCIAL
SYSTEMS, INC.; EGS FINANCIAL CARE INC.,
formerly known as NCO FINANCIAL
SYSTEMS, INC.; and FORSTER & GARBUS
LLP,

Defendants.

Case No. 18-cv-07692-PGG

MUTINTA MICHELO, KATHERINE SEAMAN,
MARY RE SEAMAN, and SANDRA TABAR,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

NATIONAL COLLEGIATE STUDENT LOAN
TRUST 2007-2; NATIONAL COLLEGIATE
STUDENT LOAN TRUST 2007-3;
TRANSWORLD SYSTEMS, INC., in its own
right and as successor to NCO FINANCIAL
SYSTEMS, INC.; EGS FINANCIAL CARE INC.,
formerly known as NCO FINANCIAL
SYSTEMS, INC.; and FORSTER & GARBUS
LLP,

Defendants.

Case No. 18-cv-1781-PGG

CORRECTED DECLARATION OF JENS MEYER¹

I, Jens Meyer, hereby affirm and declare as follows:

¹ This Corrected Declaration corrects a typo in Paragraph 5 of my prior declaration dated January 4, 2021. It is otherwise identical to my prior Declaration in this matter.

1. This declaration is being made pursuant to Fed. R. Evid. 803(6) and 902(11) for the purpose of authenticating certain business records of Cognition Financial, f/k/a The First Marblehead Corporation (“Cognition”).

2. I am over 18 years of age, and I am currently a Senior Vice President at Cognition. I have been employed by Cognition since April 19, 2004. My responsibilities at Cognition include knowledge of Cognition’s maintenance and storage of data, record-keeping, document retention, and destruction policies. I am familiar with how the documents and data referenced herein were created and have been maintained in the ordinary course of Cognition’s business since their creation and the process of preparing those documents and data for production in the above-captioned action. This familiarity is based on my personal experiences at Cognition as a Senior Vice President and a member of the Credit Risk department, conversations with information technology personnel at Cognition, and my own personal review and/or creation of the documents and data referenced herein. As such, I have personal knowledge of the matters set forth herein, and if called upon, I could and would testify competently thereto.

3. Cognition is not an existing custodian for National Collegiate Student Loan Trust 2004-2, 2006-4, 2007-2, and 2007-3 (the “Trusts”), and therefore is under no obligation, contractual or otherwise, to maintain any documents or data for the Trusts.

4. Nonetheless, Cognition currently maintains an MS Access Database which holds data for each loan owned by the Trusts, which has remained unchanged from the dates it was entered into database.

5. The data for the loans owned by each of the Trusts was entered on the following dates: National Collegiate Student Loan Trust 2004-2 (September 30, 2004); National Collegiate

Student Loan Trust 2006-4 (November 30, 2006); National Collegiate Student Loan Trust 2007-2 (May 31, 2007); and National Collegiate Student Loan Trust 2007-3 (August 31, 2007).

6. The source of the data contained in the MS Access Database is derived from loan tapes received in connection with the origination and servicing of the Trusts' loans.

7. I extracted data from the MS Access Database for all of the loans owned by the Trusts and produced it in the form of four Trust-specific excel spreadsheets, which the Trusts produced in the above-captioned action as Bates Nos. Michelo-Bifulco_Cognition_000062 (NCSLT 2004-2), Michelo-Bifulco_Cognition_000063 (NCSLT 2006-4), Michelo-Bifulco_Cognition_000064 (NCSLT 2007-2), and Michelo-Bifulco_Cognition_000065 (NCSLT 2007-3).

8. The data in those spreadsheets is the same as maintained in the MS Access Database. However, in each spreadsheet I made partial redactions in Column C to each borrower's social security number.

9. Cognition also produced copies of 61 lender-specific excel spreadsheets, which include the loans sold by those lenders to The National Collegiate Funding LLC, which it subsequently sold to the Trusts. Those spreadsheets are true and authentic copies of the genuine original documents. The Trusts produced those copies in redacted form and with metadata intact in the above-captioned action as Bates Nos. Michelo-Bifulco_Cognition_000001-61.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: September 23, 2021


Jens Meyer